

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Colleen Mitchell,

Plaintiff,

v.

Marauder Corporation, a California
Corporation, d/b/a Collection
Professional Services and d/b/a
Nationwide Capital Recovery,

Defendant.

No. 08 C 1233

Judge Leinenweber

DECLARATION OF COLLEEN MITCHELL

I, Colleen Mitchell, declare under penalties of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct:

1. I am the Plaintiff in this matter, am over the age of 18, and am under no disability.
2. I received medical services from American Medical Management/MCJM, Inc. ("American Medical") in 2002 and turned the bill over to my insurance carrier for payment.
3. I received a letter from American Medical on September 30, 2004 requesting payment for an outstanding balance of \$1,305 for unpaid claims by my medical insurance carrier.
4. I contacted my insurance carrier which stated that, despite repeated requests, it was waiting for information from American Medical, that it needed in order to process the claim.

5. I received an initial collection letter from Defendant Marauder on March 10, 2005 demanding payment of the American Medical debt. Accordingly, I contacted Marauder and disputed the debt and requested that Marauder obtain the detailed billing that my insurance carrier needed in order to pay the claim. Marauder responded that it had no detailed information.

6. I began receiving harassing telephone calls from Defendant Marauder in June 2006 at home, on my cell phone and at my place of employment. I again asked for detailed billing information and followed up with my insurance carrier on resolution of this claim.

7. My insurance carrier sent two payments to Defendant Marauder on July 18, 2006.

8. Despite my dispute of the debt and my insurance carrier paying the debt, Defendant Marauder continued to repeatedly call me at home, at work and on my cell phone demanding that I pay over \$3,000 in alleged collection fees. On September 6, 2006 I sent a letter to Defendant Marauder requesting that it cease communications with me.

9. Defendant Marauder, however continued to repeatedly call and leave messages demanding that I pay an alleged \$3,000 "collection fee". Additionally, during March and April 2007, Defendant Marauder continued to call me, and also began calling my 80-year-old mother to demand that I pay an alleged \$3,000 "collection fee".

10. I obtained copies of my credit report in May, 2007 and found that Defendant Marauder falsely reported to Experian and TransUnion that I owed

11. Defendant's actions left me feeling hunted and made me become extremely upset, worried, lose sleep and be frustrated because it just would not stop its illegal collection actions and improper credit reporting. The Defendant's actions affected my relationship with my mother and co-workers and harmed my credit rating.

12. I therefore ask that the Court award me \$15,000 for the emotional distress I suffered and, in addition, \$2,000 in statutory damages (\$1,000 under the FCRA and \$1,000 under the FDCPA), and \$15,000 in punitive damages – a total of \$32,000. I also ask that the Court award me my attorneys' fees and costs in the amount of \$ 12,428.09.

Dated: August 5, 2008


Colleen Mitchell

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2008 a copy of the foregoing **Declaration of Colleen Mitchell** was filed with the District Court. Notice of this filing will be sent to the following party via U.S. Mail, first class postage prepaid, before 5:00 p.m. on August 6, 2008.

Ryon Gambill, President
Marauder Corporation,
d/b/a Collection Professional Services,
and d/b/a Nationwide Capital Recovery
74923 Highway 111
Indian Wells, California 92210

/s/ David J. Philipps

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